

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 26, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-28130 - APPLICANT: FOCUS IN SOUTHERN NEVADA -
OWNER: METROPOLITAN COMMUNITY CHURCH OF LAS VEGAS**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL. If Approved, subject to:

Planning and Development

1. This Special Use Permit shall be reviewed in one (1) year at which time the City Council may require this Social Service Provider to cease operation.
2. Conformance to the conditions for Rezoning (Z-0029-97).
3. The hours of operation will be 8:00 am to 10:00 pm Monday through Friday.
4. The lobby is to be redesigned with a total area of 300 square feet, in order to adequately accommodate clients.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Social Service Provider located at 1140 Almond Tree Lane, Suite #306. This non-profit organization is intending to locate within the proposed suite, which consists of approximately 5,382 square feet.

This Social Service Provider's goal is to provide support services for those living with HIV/AIDS. The support services will include nutritional services. Additionally, health services will be offered such as case management and supplying gym memberships. This facility will not provide medical testing or medical procedures and will not employ any doctors or nurses at this location, but instead provide assistance in receiving these services elsewhere. Transportation from a client's residence to off-site appointments and to this location will be provided to those that qualify for this assistance. Additionally, this Social Service Provider will act as a client advocate for those with HIV/AIDS. This Social Service Provider will also sublet space to other businesses or Social Service Providers. These sublets will require business licenses for each tenant which will be subject to review and may require future planning applications depending on the proposed uses. As this area is physically suitable for this use, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/27/97	The City Council approved a Rezoning (Z-0029-97) from C-1 (Neighborhood Commercial Center District) to C-1 (Limited Commercial) due to the revised City of Las Vegas Zoning Ordinance no longer having the C-C (Neighborhood Commercial) Zone.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the Future Land Use designations to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan and within the proposed Redevelopment Plan expansion area.

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<i>Related Building Permits/Business Licenses</i>	
09/06/00	A building permit (#16565) was issued for a Sign of 85 square feet; tag number #004761.
11/14/00	A business license (C19-00224) was issued for Contract Labor at 1140 Almond Tree Lane, Suite #308.
09/02/05	A building permit (#5006170) was issued for Tenant Improvements at 1140 Almond Tree Lane.
11/17/06	A Citation (#48077) was initiated due to an individual sleeping in a commercial building overnight at 1140 Almond Tree, Suite #303. This case was resolved on 11/30/06.
03/13/07	A building Permit (#07000854) was issued for Tenant Improvements at 1140 Almond Tree Lane, Suite #310. This project was completed 03/28/08.
10/10/07	A Citation (#58679) was initiated due to a power theft discovered by a Nevada Power Field Inspection at 1140 Almond Tree Lane, Suite #311. This property was inspected for code violations the case was resolved on 10/18/07.
<i>Pre-Application Meeting</i>	
05/01/08	A pre-application meeting was held to discuss the requirements for submitting a Special Use Permit for a Social Service Provider at 1140 Almond Tree Lane. The application process and submittal requirements were discussed at length. It was mentioned to the applicant that a neighborhood meeting was suggested for the proposed use, but not required.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
05/21/08	A field check was conducted at the subject site and it was found that the parking lot needs adequate stripping. Additionally, a substantial amount of graffiti currently resides on this building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.18

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, Church	C (Commercial)	C-1 (Limited Commercial)
North	Middle School	PF (Public Facilities)	CV (Civic)
South	Parking Lot and Vacant Land	C (Commercial)	C-1 (Limited Commercial)
East	Offices, Auto Shop and Church	C (Commercial)	C-1 (Limited Commercial)
West	Offices	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Redevelopment Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District -175 Feet	X		*Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject site is located in the A-O (Airport Overlay) District within the 175-Foot height contour. The existing building is under the height limitation and therefore this site is in conformance with this overlay district.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Church	2,361 SF Non-Fixed Gathering (5,322 SF Total)	1/100 SF of non-fixed seating area in gathering room	23 Spaces	1 Space	23 Spaces	1 Space	Y

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Office	5,626 SF	1/300 SF	18 Spaces	1 Space	19 Spaces	1 Space	Y
Proposed Social Service Provider	5,382 SF	1/300 SF	17 Spaces	1 Space	14 Spaces	1 Space	Y*
SubTotal			58 Spaces	3 Spaces	57 Spaces	3 Spaces	Y*
TOTAL			61 Spaces		60 Spaces		Y*

* This commercial center was built in 1971 with the applicable parking standards and is considered parking impaired.

ANALYSIS

- Zoning**

This project is located within the C-1 (Limited Commercial) zoning district. This district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) zoning district is consistent with the SC (Service Commercial) and NS (Neighborhood Services) categories of the General Plan. The subject site is in conformance with the current General Plan designation. A Social Service Provider use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

There are commercial properties to the east, south and west of this property. These properties are zoned C-1 (Limited Commercial) with a General Plan designation of C (Commercial). The property to the north is a Junior High School, with a zoning designation of CV (Civic) and a General Plan designation of PF (Public Facilities).

- Use**

A Social Service Provider is defined in Title 19.20 as “a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element.” “The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.”

The applicant is a nonprofit organization that receives donations and fund raises to provide support services for people living with HIV/AIDS. This provider intends to provide a plethora of services as funding sources such as grants and donations are received. These support services will include nutritional services such as supplying,

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nutritional supplements, vitamins and emergency food supplies. Additionally, health services will be offered such as case management and supplying gym memberships. This facility will not provide medical testing or medical procedures and will not employ any doctors or nurses at this location, but instead provide assistance in receiving these services elsewhere. Transportation from a client's residence to off-site appointments and to this location will be provided to those who qualify for this assistance. This Social Service Provider will also sublet space to other businesses or Social Service Providers. These sublets will require business licenses for each tenant will be subject to review and may require future planning applications depending on the proposed uses. This Social Service Provider will arrange appointments for clients to receive service support, but it is expected that some walk-in traffic will occur. As this area is physically suitable for this use, staff recommends approval of this request.

- **Parking**

The existing parking facilities onsite do not satisfy the current Title 19 requirements. This commercial center requires a total of 61 parking spaces, including a total of 3 handicap accessible parking spaces. This commercial center only provides a total of 60 parking spaces, including three handicap accessible spaces. Although, the site plan displays four handicap spaces, one of these is not compliant to current Title 19 standards and therefore was not counted. The three remaining handicap accessible spaces are satisfying the requirements of this chapter.

This commercial center does not satisfy current parking standards, but is considered parking impaired. A Parking Impaired Development, Per Title 19.10.010 is, "a land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or a non-conforming building; but rather, it shall be considered a "parking-impaired development." This building was constructed in 1971 to applicable parking standards for an office use and therefore is considered a "parking-impaired development" and "For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required." As an office use has the same parking requirement as a Social Service Provider, no additional spaces are required for this use.

- **Floor Plan**

The floor plan indicates that there will be a combination of offices, a lobby and a reception counter. The current lobby is approximately 150 square feet; this lobby is not adequate for the proposed Social Service Provider use. Therefore a condition has been added to increase the size of this lobby to 300 square feet in order to accommodate the clients coming to this facility and prevent loitering around the premises. A total of 14 offices are located throughout this suite and a substantial amount of open office space allows for the addition of cubicles as required.

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- **Conditions**

There are no base conditions for consideration of a Special Use Permit for a Social Service Provider. The following conditions have been added:

- The hours of operation are scheduled for 8:00 A.M. to 10:00 PM, Monday through Friday.
- A condition has been added to increase the lobby area from approximately 150 square feet to 300 square feet in order to insure that clients have adequate waiting area.
- This Social Service Provider use will require a one-year review in order to make sure that this use is being conducted harmoniously with the surrounding environment.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use will be located within an existing commercial center, which is intended to have a variety of commercial uses. This includes the proposed Social Service Provider, which can be conducted harmoniously with the surrounding land uses. A required one year review has been conditioned to assure that this Social Service Provider use is being conducted in a harmonious manner.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site contains an existing commercial center that is more than adequate for the proposed Social Service Provider.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

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The site is served by Almond Tree Lane, a 60-foot local road, which receives access from Sahara Avenue and Maryland Parkway, which are both 100-foot Primary Arterials, as categorized by the city's Master Plan of Streets and Highways.

- 4. "Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

This use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety.

- 5. The use meets all of the applicable conditions per Title 19.04.**

There are no base conditions for consideration of a Special Use Permit for a Social Service Provider. This use is consistent with Title 19.04, including parking due to its parking impaired status.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 216

APPROVALS 4

PROTESTS 1

CONCERNS 3